


TECHNICAL MEMORANDUM


Utah Coal Regulatory Program

January 25, 2008



TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor 

FROM: Steve Christensen, Environmental Scientist III 

RE: 4th East Portal Facilities- Storage Area and Fence, Emery Deep Mine,
C/015/0015, Task ID #2894

SUMMARY:

On December 26th, 2007, the Division of Oil, Gas and Mining (the Division) received an application from CONSOL Energy Company (the Permittee) to amend their 4th East Portal Surface facilities area. The application represents a minor revision to the approved MRP with the addition of a skid mounted shed and a fence line directly adjacent to the supply yard identified as #27 on Plate II-3, *4th East Portal Surface Facilities*.

FINDING:

The amendment does not meet the requirements as provided for in the State of Utah R645-Coal Mining Rules and should not be approved at this time. The following deficiencies should be addressed prior to Division approval:

R645-301-512, -521: The Permittee must reconcile the approved Plate II-3 with the recently submitted Plate II-3. Upon review of the recently submitted Plate II-3, *4 East Portal Surface Facilities*, there are discrepancies with Plate II-3 within the approved MRP. For example, a "proposed berm" is depicted on the approved Plate II-3 approximately 15-18' west of Cowboy Mine Road No. 915. The newly submitted Plate II-3 depicts the berm approximately 25-30' west of Cowboy Mine Road No. 915. In addition, the cattle guards depicted at the northeast entrance to the facility on the approved Plate II-3 and the cattle guards depicted on the recently submitted Plate II-3 are different.

R645-301-742.231: The Permittee must provide the Division with the design information (calculations and cross-section) for the berm depicted on the east side of the supply

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yard (#27 on Plate II-3). Per R645-301-742.231, the berm must be designed to contain the 10-year, 24-hour precipitation event.

TECHNICAL ANALYSIS:

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Sediment Control Measures

The application does not meet the Sediment Control Measures as outlined in the R645-Coal Mining Rules. Plate II-3, 4 East Portal Surface Facilities, depicts a berm along the east side of the supply yard (noted as #27 on the Plate II-3). Upon review of the approved MRP and submitted information, the design information for the berm was not found. The Permittee must provide the Division with the design information (calculations and cross-section) for the berm. Per R645-301-742.231, the berm must be designed to contain the 10-year, 24-hour precipitation event.

Findings:

The application does not meet the requirements Mining Facilities Maps requirements as outlined in R645-301-742.231. The following deficiency must be addressed prior to Division approval of the amendment:

R645-301-742.231: The Permittee must provide the Division with the design information (calculations and cross-section) for the berm depicted on the east side of the supply yard (#27 on Plate II-3). Per R645-301-742.231, the berm must be designed to contain the 10-year, 24-hour precipitation event.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Mining Facilities Maps

The application does not meet the requirements Mining Facilities Maps requirements as outlined in R645-301-512 and -521. Upon review of the recently submitted Plate II-3, *4 East Portal Surface Facilities*, there are discrepancies with Plate II-3 within the approved MRP. For example, a "proposed berm" is depicted on the approved Plate II-3 approximately 15-18' west of Cowboy Mine Road No. 915. The newly submitted Plate II-3 depicts the berm approximately 25-30' west of Cowboy Mine Road No. 915. In addition, the cattle guards depicted at the northeast entrance to the facility on the approved Plate II-3 and the recently submitted Plate II-3 are different. In addition, the culvert located in the northeast portion of the facility (adjacent to the cattle-guards) is not labeled. The Permittee must reconcile the approved Plate II-3 with the recently submitted Plate II-3.

Certification Requirements

The application meets the Certification Requirements as provided for in R645-301-512. Certified Professional Engineer Richard White certified the submitted plate on December 24th, 2007.

Findings:

The application does not meet the requirements Mining Facilities Maps requirements as outlined in R645-301-512 and -521. The following deficiency must be addressed prior to Division approval of the amendment:

R645-301-512, -521: The Permittee must reconcile the approved Plate II-3 with the recently submitted Plate II-3. Upon review of the recently submitted Plate II-3, *4 East Portal Surface Facilities*, there are discrepancies with Plate II-3 within the approved MRP. For example, a "proposed berm" is depicted on the approved Plate II-3 approximately 15-18' west of Cowboy Mine Road No. 915. The newly submitted Plate II-3 depicts the berm approximately 25-30' west of Cowboy Mine Road No. 915. In addition, the cattle guards depicted at the northeast entrance to the facility on the approved Plate II-3 and the cattle guards depicted on the recently submitted Plate II-3 are different.

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RECOMMENDATIONS:

The application does not meet the State of Utah R645-Coal Mining Rules. The deficiencies outlined above should be addressed prior to Division approval.

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